

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION**

This document relates to:

*County of Lake, Ohio v. Purdue
Pharma L.P., et al.,*
Case No. 18-op-45032 (N.D. Ohio)

*County of Trumbull, Ohio v. Purdue
Pharma, L.P., et al.,*
Case No. 18-op-45079 (N.D. Ohio)

“Track 3 Cases”

**MDL No. 2804
Case No. 17-md-2804
Judge Dan Aaron Polster**

DEFENDANTS' JOINT TRIAL EXHIBIT LIST

The Track 3 Defendants¹ (“Defendants”) hereby submit their joint trial exhibit list, pursuant to the Track 3 Civil Jury Trial Order, ECF No. 3758, and the Joint Trial Exhibit Stipulation agreed to by the parties. Defendants submit this list subject to all of the rights reserved in Track 3 Defendants’ July 23, 2021 letter provided with Defendants’ Joint and Individual Exhibit Lists and Defendants’ July 30, 2021 letter provided with their previously unproduced exhibits.

By submitting this trial exhibit list, Defendants do not intend to waive, and expressly reserve, all rights afforded under the Track 3 Civil Jury Trial Order, the Joint Trial Exhibit Stipulation, and any applicable federal and local rules to amend, modify, withdraw, and supplement this trial exhibit list prior to and during trial. Specifically, Defendants reserve the

¹ This exhibit list is filed on behalf of the Track 3 Defendants: CVS Pharmacy, Inc., Ohio CVS Stores, L.L.C., CVS Rx Services, Inc., CVS TN Distribution, L.L.C., and CVS Indiana, L.L.C.; Walgreens Boots Alliance, Inc., Walgreen Co., and Walgreen Eastern Co., Inc.; Walmart Inc.; and Giant Eagle, Inc. and HBC Service Company.

right: (1) to withdraw at any time any exhibit identified on their list; (2) to use admissible exhibits identified on any party's exhibit lists, including any party who later settles or is severed or dismissed; (3) to supplement and/or to amend their list upon receipt of Plaintiffs' exhibit list(s), witness list(s) and/or amendments and changes to Plaintiffs' or Defendants' deposition designations or counter-designations; (4) to supplement and/or to amend their list in the event that additional relevant documents or materials are produced in this action, identified in subsequent supplemental expert reports, or are discovered subsequent to the date of service of this exhibit list; (5) to supplement their list with any medical or scientific literature, other data, or regulatory findings or communications issued or published after the date of this submission; (6) to supplement and/or to amend their list or to use additional unlisted documents and/or data at trial as required for rebuttal, cross examination, demonstrative purposes, impeachment purposes, or to cure an evidentiary objection, or to the extent Plaintiffs proffer any documents which Plaintiffs have not listed, or to the extent that Plaintiffs purport to pursue claims or theories not set forth in their pleadings to date; (7) to supplement and/or to amend their list in response to rulings of the Court on pretrial motions or any other Court decisions that affect the scope of evidence in this trial; and (8) to supplement and/or amend their list as necessary based on the severance, settlement, and/or dismissal of any Defendant.

The inclusion of any exhibit on Defendants' exhibit list is not intended to waive or affect any prior confidentiality designation in this litigation. Defendants also reserve the right to object to the introduction and/or admissibility of any document listed on any party's exhibit list. The inclusion of a particular document on Defendants' exhibit list does not waive any Defendant's right to object to the introduction and/or admissibility of that document for any purpose. Certain of Defendants' listed exhibits may also pertain to topics that are ultimately excluded from

evidence at trial by motions *in limine* or a *Daubert* motion. By listing such exhibits, Defendants do not intend to waive any right to object to the introduction and/or admissibility of those documents for any purpose. Defendants also reserve the right to use any deposition transcripts and any exhibits to deposition transcripts for any witnesses being called to testify at trial and/or use any deposition exhibits or other documents associated with any testimony that has been or will be designated or counter-designated by any party. Defendants reserve the right to use any and all documents or materials listed by any other party, including any other Defendant even if such Defendant may later settle, be severed, or be otherwise dismissed.

Certain exhibits that were previously produced during discovery are further identified by Bates number or native file name. Defendants expressly reserve the right to use alternative copies of such exhibits where appropriate, including but not limited to physical, color, redacted, more legible, and/or native documents, or copies with or without deposition exhibit stickers, or copies with or without confidentiality designations. Defendants also reserve the right to use at trial summaries created in accordance with the federal rules and demonstrative exhibits, including without limitation: charts, graphs, photographs, animations, timelines, objects, models, PowerPoint slides, drawings, graphics, and other demonstrative aids. Defendants reserve the right to offer enlargements of any exhibits on the list or on any party's exhibit list.

Dated: September 10, 2021

Respectfully submitted,

/s/ Tara A. Fumerton

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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that the foregoing document was served via email on all counsel of record on September 10, 2021.

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